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Forty-seventh session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 February 1991, at 10 a.m.

Chairman: Mr. MARTIUS (Germany)

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The meeting was called to order at 10.40 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

(agenda item 7) (continued) (E/CN.4/1991/11; E/CN.4/1991/NGO/6, 7 and 12; E/CN.4/Sub.2/1990/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1990/12; E/CN.4/1991/NGO/6, 7 and 10; E/CN.4/1990/9/Rev.1)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/C.12/1988/1; CCPR/C/2/Rev.2; A/45/403; A/RES/45/135)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1991/46 and 71; A/45/636; A/RES/45/85 and 88)

1. Mr. ROA KOURI (Cuba) spoke on agenda items 7 and 8.

2. There were those who maintained, oddly enough, that only individual rights and civil liberties were "human rights" as such, whereas the so-called "collective" economic, social and cultural rights were only noble aspirations towards which it was important to strive, but which society, still less the State, was not bound to realize and guarantee. That was a concept which might have been justified 200 years previously, but since then, the social revolutions of the twentieth century and the enormous changes that had transpired in the aftermath of the Second World War with the collapse of the colonial empires had led most nations to recognize both sets of rights and in particular their interdependence and indivisibility. The right to development had also been subsequently recognized by the United Nations.

3. For the purposes of nineteenth century-style liberalism, the demands of the 3.5 billion human beings - three quarters of humanity - living in the third world were dangerous, because, according to them, the implication was that fundamental liberties could not be enjoyed until the right to development had been attained. That was a deliberate attempt to confuse. The interdependence and indivisibility of human rights did not mean creating a hierarchy between the two types of rights, but that they were inextricably linked, i.e. the full enjoyment of one depended on the realization of the other.

4. The exercise of civil and political rights did not take place in a vacuum: it was a function of the economic and social climate and was the expression of the cultural model of each society. For that reason, there was a difference between the enjoyment of human rights in theory and in practice. In certain countries, it was claimed that the rule of law reigned and that all citizens participated directly in forging their destiny. But cases were also known of countries in which less than 50 per cent, and sometimes even less than 40 per cent, of the voters went to the polls and in which the president was elected by less than 30 per cent of the voters; that could not but raise serious doubts about the representativeness of a Government founded on such a shaky basis. Moreover, when in the society concerned there were enormous inequalities, the original inhabitants were confined in veritable concentration camps and had been robbed of their lands, the living standard of millions of human beings was below the official poverty level and the rights to health, education, housing and work were not guaranteed, it became clear how it was possible to demand the implementation of those rights in all countries and why the partisans of a status quo rooted in injustice and inequality should attack such rights.

5. A country that had seized more than 40 per cent of the territory of a neighbouring country and had imposed on another a blockade that included medicine and baby food and had lasted for more than 30 years was even more inclined to be against the right of peoples to development. In the first instance, the neighbouring country that had been plundered had lost enormous riches that would have enabled it to enjoy much more rapid and substantial economic growth, and in the second instance, the aim was to discipline a small country that had dared to demonstrate independence. All of the above, that past history, that way of dealing with other countries, explained the statement made by the representative of the United States on the previous day, which had been far removed from the spirit of the signatories of the Charter of San Francisco.

6. After what was known as the lost development decade (the 1980s), Latin America had scant prospects for change at the beginning of the 1990s. According to the Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC), the debt burden and negative resource transfers continued to be excessive, the investment process had yet to be consolidated, the purchasing power of large segments of the population was falling, fiscal measures were still weak, and the latitude for choosing economic policy was very limited. In other words, the state of quasi-stagnation of the whole of the Latin American economies had not improved: their growth rate had been hardly 1.2 per cent annually between 1980 and 1990, and per capita production had been 10 per cent lower than the figure for the previous decade.

7. In 1990, the foreign debt had reached $423 billion, while the sums paid as company profits and interest had amounted to $36,800,000,000. Net resource transfers abroad had been estimated at $19 billion in the same year. Despite the Brady Plan and other palliatives, the international strategy for the debt problem had fallen far short of its objective of eliminating heavy debts. In reality, it was not possible to reimburse the enormous debt, which had become the principal obstacle to development and was a new mechanism for neo-colonial despoliation which kept third world countries dependent upon the industrialized countries.

8. The steady deterioration in the terms of trade together with the protectionism of the industrial countries, which closed their markets to exports from the developing countries, and other restrictive practices in world trade constituted a barrier that could only be overcome by a new international economic order. The sudden jump in oil prices as a result of the Gulf conflict had added to the problems hampering growth in the developing countries. Moreover, the scientific and technological chasm between the developed North and the developing South was broadening the gap separating them and accentuating the dangerous decline of societies in the South, exposing them to unpredictable explosions.

9. According to an analysis by the South Commission, the international community should have taken action in the face of the disorder and impoverishment of the 1980s, but the multilateral institutions had been weakened by a lack of resources and had become instruments for promoting, in the South, the ideological objectives of the dominant countries of the North. But no one had an interest in a continued division of the world into a handful of sated countries and a vast majority of countries on the verge of starvation. The disappearance of clashes between East and West must not give way to a new North-South axis of confrontation, because, more than ever before, the current period offered the opportunity to make international co-operation a reality, provided that the political will existed. The right of peoples to develop in a world free of the scourge of war, curable diseases, ignorance and exploitation and guided by justice, the rule of law and equality among nations had never been so urgent.

10. Mrs. REGAZZOLI (Argentina), speaking on agenda items 7 and 8, said that no just constitutions or human rights institutions existed that could combat misfortune, violated rights, resentment or the absence of development, but mechanisms could and should be created and existing ones should be used to promote conditions conducive to realizing the right to development. Although the theoretical work on that right was not complete and views on the subject differed, a number of principles and concepts had found broad recognition in the international community.

11. The countries of Latin America had clearly reaffirmed the inalienable right of all States to develop harmoniously and their deep conviction that human beings flourished as individuals when they could truly enjoy their civil, political, economic, social and cultural rights. The right to development comprised both categories of rights without creating a contradiction, because although different, those rights complemented one another. In that context, her delegation noted a similarity of views with the delegations of Venezuela, Brazil, Mexico, Cuba, Colombia and Peru as well as with Mr. Danilo Türk, the Special Rapporteur of the report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19).

12. The definition of the right to development as a concept had been elaborated gradually, thanks in particular to the Global Consultation on the Right to Development as a Human Right (see E/CN.4/1990/9/Rev.1) and the Declaration on the Right to Development, adopted by the General Assembly in 1986. The United Nations Development Programme (UNDP) had also defined the notion of "human development" as a process whereby persons were given better opportunities, notably for a longer life and better health, education and access to the resources needed to have a decent standard of living, as well as political freedom, human rights guarantees and self-respect.

13. Unfortunately, it was clear that all the rights that derived from the right to development were not equally accessible to all. For reasons often beyond the control of the individual and even the State, the enjoyment of health, education and culture and the desire to give future generations better living conditions had proved to be unattainable for a large part of humanity. Although a few societies enjoyed a very high standard of living and of individual and collective security, others, the majority, were crushed by poverty, backwardness and despair. In view of the undeniable international experience, sustained economic progress was essential, because otherwise, political stability, the viability of civil aspirations and respect for the fundamental rights of all would be seriously threatened or even come to naught.

14. Many countries had sought to break the vicious circle by introducing strict adjustment mechanisms to put their economies in order, stimulate investments and create an environment conducive to growth; but those efforts had been discouraged by a burgeoning foreign debt, despite the enormous sums spent - not on reimbursing the capital, which was impossible, but simply for the interest burden, which was also becoming heavier. That difficulty had been exacerbated by the fact that the developing countries, efficient producers of raw materials and a wide variety of other goods, had seen their access to foreign markets partially or even totally blocked by protectionist measures or subsidies adopted by the developed countries. Like other countries, Argentina had set out to tackle those serious problems by carrying out economic reforms and transforming its production structures, while making absolutely certain that the civil and political rights of its citizens were respected. As sovereign entities, States undeniably had inescapable domestic responsibilities with regard to the respect and protection of the fundamental rights, integrity and dignity of the individual. But without effective international co-operation to support the development of all peoples on the basis of justice, equality and respect for individual and collective progress, the full realization of human rights would remain an inaccessible dream. It was therefore necessary, on the eve of the twenty-first century, to reflect upon all obstacles that might prevent the individual not only from developing naturally and with dignity but also from reaching new heights, an ideal that made life worth living.

15. Mr. AZIKIWE (Observer for Nigeria), speaking on agenda items 7 and 8, noted with satisfaction that the opposition had diminished among those who considered that the Commission was not an appropriate forum to discuss questions of development and its relation to the rights of the individual and that there was growing recognition of the interdependence of those issues. One of the primary purposes of the United Nations, as set forth in Article 1, paragraph 3 of the Charter, was "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character". The relation between development and human rights could not be emphasized enough, and the denial of fundamental human rights not only endangered but might reverse the gains of development.

16. Regrettably, co-operation between States had been inadequate and, at best, unsatisfactory, which partly explained why, in too many regions, so few people had reaped the benefits of economic, social and cultural rights. Current international development policy was largely concerned with growth and efficiency in the context of the free market, considered to be the best guarantee of rapid growth and development. However, little emphasis had been

placed on another aspect of development, the transformation of mentalities. There was an urgent need to find a way to reconcile the efficiency and rapid growth of the free market with the obligation of social justice.

17. Other factors that had impeded the realization of economic, social and cultural rights and the implementation of the Declaration on the Right to Development were the foreign debt, deteriorating terms of trade, trade imbalances as a result of protectionism in the North, poverty and structural weaknesses due to an unjust international economic order.

18. The total debt of the developing countries had risen to over $1 trillion and was still growing. Africa's total debt was well over $280 billion on a continent currently marked by declining standards of living and an economic crisis that had been compounded by a crisis of the environment. Added to the debt burden had been the consequences of a negative transfer of resources as a result of debt-servicing obligations, which, for many heavily indebted African countries, constituted some 30 to 35 per cent of their total export earnings.

19. The debt crisis had exacerbated extreme poverty. According to the latest report of the World Bank, 1 billion persons lived below the poverty level, primarily in Africa, South-East Asia and other parts of the developing world. The number was expected to grow by about 100 million within a year. Life expectancy in the developing countries had fallen to about 50 years in sub-Saharan Africa and to 56 years in South-East Asia, as against 72 years in the developed countries.

20. Infant and maternal mortality rates had also increased. Worldwide, more than 500,000 deaths annually were related to pregnancy and childbirth. Extreme poverty violated the most basic right of all, the right to life, and foreclosed all opportunities to live in dignity.

21. The alarming statistics on life in the developing countries clearly demonstrated that stable and comprehensive development was essential to the enjoyment of fundamental rights and that economic problems, such as poverty, the debt burden and environmental degradation, prevented the realization of economic, social and cultural rights and implementation of the Declaration on the Right to Development.

22. His delegation called upon the international community to address the severe economic problems of the countries of the third world and to give realistic consideration to the many proposals for dealing with the debt crisis, such as the conversion of some percentage of the debt into grants, easier repayment terms and, as a last resort, outright cancelling of the debt. Greater realization of economic, social and cultural rights would guarantee stable, democratic Governments.

23. Concerning the role that the Commission should play in promoting the realization of economic, social and cultural rights and implementation of the Declaration on the Right to Development, the Charter of the United Nations established a link between peace and security on the one hand and economic development and social progress on the other. The Commission should seek to depoliticize the human rights issues and work towards a single and universal human rights culture. It should not rule out consideration of such major issues as the environment, development or security, which had a direct bearing

on human rights. If the Commission refused to consider those topics, which were at the heart of great debates, it would lose not only its effectiveness but perhaps also its position as the principal United Nations body entrusted with the promotion of human rights. It must therefore courageously address all issues that had an impact on the enjoyment of rights and fundamental freedoms. In that connection, his delegation supported the suggestion made by the Under-Secretary-General in his introductory statement that the Centre for Human Rights should convene a meeting for inter-agency consultations to explore in detail how to integrate human rights into development activities.

24. Mr. BENHIMA (Morocco) noted that the question of the realization of the right to development had taken on increasing importance in the Commission's discussions, especially in the wake of the global consultation on development.

25. Article 1, paragraph 3 of the Charter of the United Nations proclaimed that one of the objectives of international co-operation was to solve problems of an economic, social, cultural or humanitarian character and promote respect for human rights and fundamental freedoms for all without distinction. His delegation would have preferred to address agenda items 7 and 8 with optimism, given the transformations that had begun to emerge in 1990 and that had held out the promise of an era of peace. Unfortunately, such prospects had been overshadowed by the Gulf war and its devastating effects for the entire region. While the Commission discussed questions of fundamental importance for the individual, the community and the destiny of mankind, the political horizon had darkened, and the international community was facing even graver events that heralded a terrifying future. The situation in the developing world already gave cause for the greatest alarm. Famine, which affected numerous regions of the world on a virtually permanent basis, extreme poverty, malnutrition, underdevelopment, environmental degradation, global warming and acid rain were harbingers of the apocalypse. The incoherent accumulation of international trade, financial and monetary mechanisms had brought disastrous economic and social difficulties to the developing world.

26. Since the debt crisis of 1982, the developed countries had known uninterrupted growth, whereas for nearly 10 years the developing countries had seen a drop in commodity prices, a deterioration of the terms of trade, a worsening of the debt-servicing burden, an increase in energy costs, a drying-up of financing from abroad and a growth in net capital-transfer towards the developed countries.

27. The foreign debt problem forced developing countries, and particularly the least developed among them, to adopt structural adjustment programmes that led to a gradual disengagement of the State through cuts in budgetary expenditure for the social sector. The social indicators of UNICEF clearly showed the tragic consequences of adjustment programmes in many of the poorest communities in the developing world. Owing to protectionism, which took various forms, social adjustment programmes had rarely yielded the expected results. Thus, his Government continued to believe that it was absolutely fundamental for adjustment programmes to take account of the social component.

28. The Commission was duty-bound to work to ensure that the social element was at the centre of all activities and programmes of United Nations bodies. The adverse consequences of adjustment programmes overshadowed the needs of

society; programmes should aim to improve the living conditions of the community and, in so doing, of the individual. Export earnings of developing countries, which were based on one or two commodities, had been declining in the absence of fair remuneration in the export markets. That was likely to jeopardize the smooth functioning of programmes and prevent the States concerned from creating the necessary conditions for the enjoyment of human rights.

29. The technical studies were of great use in better understanding the questions under consideration. His delegation particularly commended the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk, for his excellent progress report (E/CN.4/Sub.2/1990/19), which had showed the inadequacies of existing indicators for assessing human rights situations. Morocco reiterated that it approved the idea of giving closer attention to certain elements in order to elaborate truly useful human rights indicators which, in the final analysis, would help human rights defence bodies in their work. But as pointed out by another expert, Mr. Eide, in chapter I of his study on the right to adequate food as a human right, whatever way one counted or described the situation, the picture was staggering. The facts had been set forth and commented upon in depth in the annual reports of UNESCO, whose unceasing efforts commanded respect.

30. His delegation was convinced that the new international ambition, at a time of many universal challenges, entailed participation by all concerned in the decision-making process, in a framework of institutional interdependence, with a view to managing the fate of mankind and the environment, including the global environment, through joint responsibility and solidarity. In deciding to convene a World Conference on Human Rights in 1993, the General Assembly had set the objective, inter alia, of examining the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, given the importance, as pointed out further on the resolution, of creating the conditions whereby everyone could enjoy those rights. Pending an examination of the conclusions of the global consultation by the various United Nations bodies and specialized agencies, the Centre for Human Rights could co-ordinate activities and measures to promote implementation of the principles of the Declaration on the Right to Development.

31. Taking the human rights component into consideration in the activities of United Nations bodies could not but have a beneficial effect on observance and promotion of those rights and should also help combat factors preventing their enjoyment.

32. With regard to agenda item 7 (b), his delegation took the view that the realization of the right to development concerned everyone, both individually and collectively, and that popular participation was of the essence. In that context, Morocco had recently taken major measures to promote popular participation in public affairs by creating, in November 1990, a National Council of Youth and the Future and by elaborating, together with all the social and economic partners, a Social Charter to ensure the harmonious improvement of the economic and social conditions of Moroccans.

33. Mr. SIERLA (Observer for Finland), speaking on agenda items 17 and 18, said that since adopting the important body of international human rights instruments, the international community had not only recognized the rights of individuals and the obligations that they entailed but had also set up control mechanisms to ensure implementation of those conventions.

34. In the past few years, three more human rights instruments had been drafted. His delegation noted with satisfaction the rapid entry into force of the Convention on the Rights of the Child, which had already been ratified by a large number of States. It was pleased to announce that Finland would be finalizing preparations for the Convention's ratification shortly.

35. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, constituted another important contribution to the protection of human rights. The Protocol had not yet entered into force, but his delegation was convinced that it would soon be universally accepted.

36. The latest human rights instrument was the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted at the forty-fifth session of the General Assembly, crowning 10 years of intense preparatory work. Although the result was a compromise, it was undoubtedly a step forward in efforts to combat discrimination and promote human dignity. It was to be hoped that the required number of accessions and ratifications (20) for the Convention's entry into force would be attained rapidly. It would then be possible to establish, in accordance with Part VII of the Convention, the committee to monitor its implementation. It was worth noting that the parties could recognize the competence of the committee to consider communications from, or on behalf of, individuals subject to their jurisdiction who claimed that their individual rights had been violated by the State party.

37. The elaboration of human rights instruments was necessary, but it was not an end in itself. Effective implementation was even more important, and most instruments had monitoring and complaint mechanisms for that purpose; thus, before determining whether the human rights instruments were functioning as intended, it was essential to ensure that the recommendations and decisions of those bodies were actually followed up. In Finland, pecuniary compensation demanded on the basis of findings of the Human Rights Committee had recently been paid for the first time since the creation of the Committee.

38. International human rights instruments posed three main implementation problems. A source of major concern was that certain States did not submit national reports; when the reports were submitted, they were often too general, and, as such, inadequate. That seemed to be a problem inherent to the system itself, and little could be done, apart from urging States to fulfil their obligations. The more the reporting system revealed its shortcomings as a way of monitoring implementation, the more that constituted grounds for seeking the adoption of universal measures to facilitate individual communications. In that context, his delegation welcomed the inclusion of an optional mechanism in the International Convention on the Protection of the Rights of All Migrant Workers and Their Families.

39. The financing of bodies established by virtue of the conventions was another source of difficulty. Such financing should not be left to the parties to the treaty, because the rights set forth in those instruments benefited mankind as a whole. Non-payment of contributions should not prevent effective functioning of the treaty-monitoring bodies. The problems faced by the Committee on the Elimination of Racial Discrimination and which might affect the functioning of the Committee against Torture could only be resolved by amending the respective constituent instruments. Meanwhile, there was probably no alternative but to attempt to obtain financing elsewhere (temporary funds, voluntary contributions, etc.) for the expenditure that the Treaty parties had failed to meet.

40. Lastly, a third set of problems concerned publication of the deliberations, guidelines and jurisprudence of the treaty-monitoring bodies. In that context, his delegation welcomed the publicity that the work of the Human Rights Committee had received. The publication of the Committee's views under the Optional Protocol had had an impact on the interpretation by States of the provisions of the Covenant. The publication of the findings of other committees could also help unify the interpretation and implementation of the international instruments. In that connection, it was essential for the publications to compile comments in a concise and orderly fashion and not just to reproduce the contents of the records. The reports should be distributed in such a way that they reached the widest possible audience.

41. In conclusion, his delegation stressed the importance of adequate resources and staffing for the Centre for Human Rights so that it could deal with the proliferation of human rights activities. An appropriate financing system must be found not only for the treaty-monitoring bodies but also for public information activities and the increasingly important advisory services programme. As in the past, Finland gave priority to the Centre's advisory role and would continue to contribute to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

42. Mr. CAMPBELL (Observer for the United Kingdom) said that the United Kingdom recognized the indivisibility of all human rights, whether civil and political rights or social, economic and cultural rights, and would continue to work for the full realization of each of them. It was because all those rights were rights of the individual that the freedom of each citizen to participate in the economic and political decision-making process of his or her country was of key importance in ensuring the successful implementaton of all human rights and fundamental freedoms. It was agreed by all that popular participation both at the level of particular development projects and at the national level was a sine qua non for economic development. Another essential factor was what might be described as "good government", i.e. a system that respected the rule of law, protected human rights and was accountable to citizens. The importance of participation in the development process had been underscored by the Second United Nations Conference on the Least Developed Countries, held in Paris in September 1990, and the Declaration and Programme of Action adopted at the Conference had stressed that men and women should be regarded as the essential resource, and not merely as the beneficiaries of that process.

43. The Government of the United Kingdom was encouraged by the increasing attention currently being given to the importance of the full realization of human rights in the economic and social development of countries. It was right that the main debate on those subjects should take place in UNCTAD and in the other bodies of the United Nations and the international system which possessed the technical expertise to deal with economic and development issues. However, the Commission on Human Rights could and should give recognition and support to their efforts.

44. With regard to agenda item 18, satisfaction could certainly be drawn from the creation, since the adoption of the International Covenants on Human Rights, of a remarkable framework of mechanisms - the latest being the Committee on the Rights of the Child - to monitor the compliance of States with the commitments they had entered into by virtue of the various international human rights instruments they had ratified. All the bodies thus established deserved support, but their proliferation had not been without its problems, which should be settled without delay. Nevertheless, in the view of his delegation, it was in the first instance the responsibility of the experts on those bodies to identify the obstacles which had been encountered, to suggest how they might be surmounted and to recommend improvements. His delegation could but commend the organization, in Geneva in October 1990, of the third meeting of persons chairing human rights treaty bodies, whose report contained a wide range of practical recommendations. In particular, the report drew attention to the inadequacy of secretariat support for the servicing of the Committees, a shortcoming which was in turn attributable to the inadequate staffing levels of the Centre for Human Rights. The United Kingdom had long argued in favour of devoting a greater share of the budget to human rights (it currently accounted for less than 1 per cent) and therefore welcomed the interim staffing proposals put forward at the most recent session of the General Assembly, although it hoped that a more comprehensive solution could be found in the 1992/1993 programme biennium.

45. In addition, the treaty bodies could only carry out their mandates effectively if they were able to meet regularly. His delegation was pleased to note that the Committee on the Elimination of Racial Discrimination, whose financial problems were well known, would be able to hold a spring session, and called on all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to fulfil their financial obligations under the Convention. In his view, however, the only way of resolving the financial difficulties of all the human rights treaty-monitoring bodies was to fund them from the regular budget of the United Nations, and it would support moves in that direction.

46. While welcoming the encouraging increase in ratifications of the various human rights instruments, his delegation was concerned at the growing number of overdue reports, and at the failure of some States parties to submit even an initial report. It none the less recognized the burden which the preparation of those reports represented for many countries, and endorsed the proposal for the judicious use of the programme of advisory services in appropriate cases. Moreover, countries could only benefit from measures designed to rationalize the system and to stagger the deadlines for submission of reports.

47. With regard to the relationship between the various treaty-monitoring bodies, his delegation welcomed the idea of greater co-ordination and contact between the Committees, and in particular supported the proposal for the appointment, within each Committee, of members responsible for following developments on other Committees, as well as the possibility of joint sessions or briefings on topics of mutual interest and the proposed institutionalization of Chairmen's meetings at regular intervals.

48. Lastly, his delegation strongly encouraged the members of the treaty bodies to contribute actively to the preparation of, and to participate in, the World Conference on Human Rights. It expressed the hope that those bodies would help the Preparatory Committee to evaluate the effectiveness of the current machinery and to identify means of encouraging the further promotion of existing human rights instruments and of the rights themselves.

49. Mr. KHIARI (Observer for Tunisia) noted that the defence and observance of human rights was the cornerstone of Tunisia's social and economic policy. Accordingly, it was gratified by the progress made by peoples throughout the world in their struggle effectively to exercise their political, social and cultural rights. However, that progress should not conceal the fact that most of mankind, and in particular the huge population of the third world, was grappling with inextricable problems and struggling to ensure its daily survival. All economic indicators revealed a downturn in growth and development in most third world countries, and more particularly in Africa. The economic readjustment and recovery programmes proposed by multilateral financial institutions had, in many countries, led to mass revolts against hunger and poverty, as they showed no concern for the necessary human dimension of any structural adjustment measure.

50. In Tunisia, numerous measures had been adopted to reinforce human rights, such as the review of certain codes to encourage and facilitate the attainment of Tunisian society's aspirations to liberty, justice, progress and well-being. That process was progressing with broad participation by the representatives of society. Thus, the Tunisian League of Human Rights had been consulted in connection with several important bills, and had co-operated in preparing the National Covenant, designed to safeguard the foundations of national sovereignty, the republican régime, effective pluralism and respect for human rights. He also mentioned the establishment, on 7 January 1991, of the Higher Committee for Human Rights and Fundamental Freedoms, the latest of the instruments and bodies whose role it was to ensure more effective observance of human rights and fundamental freedoms. The Government of Tunisia had thus demonstrated its determination to consolidate the rule of law, as the only means of ensuring and guaranteeing the necessary national confidence to underpin the sustained and harmonious economic and social development of Tunisian society.

51. The true value of democratization and the exercise of fundamental freedoms could not be appreciated in the developing countries if they were not matched by economic and social measures, and if the right to economic development remained a dead letter. In those countries, it was necessary to place the question of respect for human rights within the overall context of poverty, debt and over-population. The circumstances of the developing countries would only be able to improve when a co-ordinated, global and equitable solution had been found to all those problems, although the search

for a solution to the debt problem should, moreover, be accompanied by effective willingness to transfer technology to the developing countries, so as to allow them to preserve their environment.

52. His delegation considered that the solution to the multidimensional problem of the development of human rights, both economic and political, should also be a global one, so as to take into account the manifold facets of development. For its part, Tunisia would defend such an approach because it had made the comprehensive development of man the very basis of its nation-building.

53. Mr. EL-TURABI (Observer for the Sudan) said that the Sudan attached great importance to the right to development, which was a fundamental human right that could not be separated from other rights, and should not provide a pretext for ignoring them. For that reason, the Government of the Sudan had adopted measures designed to achieve self-sufficiency, which called for the participation of all sectors of the population and all groups of society. As political stability was one of the essential factors of development, the Government had organized a conference on the national dialogue for peace in the Sudan, which had made it possible to formulate theoretical and practical recommendations which had been adopted as the basis of a programme to bring peace to the country, as the current conflict in the south was an obstacle to development. A diplomatic conference had also been organized to define the Sudan's relations with foreign countries. Lastly, the economic conference which had been held in the Sudan had been an important milestone on the path to the development of popular participation, and had made it possible to draw up an extremely detailed economic programme designed to put the Sudanese economy back on its feet. The programme, which focused on self-sufficiency, was based on popular participation and also made provision for co-operation with the outside world by means of foreign investment. It had already yielded highly encouraging results as the Sudan had achieved self-sufficiency in certain food products, in particular sugar.

54. In line with other third world countries, the Sudan had not been spared the problems of indebtedness, and was suffering from the consequences of the unjust economic order that currently prevailed in the world, and which only served to enrich the rich and further to impoverish the poor. The Government of the Sudan was particularly disturbed by the destruction wrought by the current war in the Gulf, which would undoubtedly have extremely harmful consequences on the world economy, and above all on the economies of the least developed countries, whose difficulties would only worsen. Those consequences would also affect the exercise of political, economic and social rights in those countries and in particular the right of peoples to life.

55. Development should be integrated: in other words, development programmes should not be restricted to economic matters, but should also take into account the cultural values of individuals and peoples and not only their material requirements but also their spiritual needs. Action was necessary at the national and international levels to ensure that the right to development set out in the Charter of the United Nations, the Universal Declaration of Human Rights and the two International Covenants on Human Rights became a reality.

56. His delegation commended Mr. Danilo Türk for his excellent report on realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19), and endorsed a number of the recommendations made in the report, in particular the recommendation to organize a seminar in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of those rights and to strengthen co-ordination among United Nations organs and agencies in that regard. His delegation also endorsed the recommendation to study the question of extreme poverty in its global dimensions. Lastly, his delegation supported the conclusions and recommendations made in the report of the Secretary-General on the Global Consultation on the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1), held at Geneva in January 1990, and it hoped that the report would be followed up.

57. Mr. SANZ (Pax Romana) said that the problem of the external debt weighing down on the countries of the third world was undoubtedly one of the most serious impediments to the right of peoples to participate in their own economic and political development and their right to an equitable distribution of wealth. The external debt of the countries of Latin America was $370 billion, i.e. approximately $1,000 per person, but 60 per cent of the population of Latin America were unable to satisfy their most basic needs. In 1988, the total external debt of the poor countries had amounted to 111 per cent of their GNP, and 480 per cent of their total exports. In addition, in many of those countries, capital that could be used to reimburse the debt was invested abroad. According to OECD, between 1982 and 1988 net capital transfers from the countries of the South to the developed countries had been four times higher than the amount provided by the Marshall Plan.

58. For many years, financiers in the developed countries had been inundated with capital on account of the rise in the price of oil, and had lent money to the developing countries, most of which were governed by authoritarian régimes. On the one hand they had been inspired by the lure of easy profit, and had totally failed to take into account the reimbursement capacity of their clients, and on the other hand they had naïvely believed that the loans would serve in full to promote development. For their part, the recipient countries had used a considerable proportion of the capital to finance domestic consumption and military expenditure, restore the balance of payments and service their debt.

59. Clearly, the solution of that problem had become a sine qua non for the resumption of growth, not only in the debtor countries, but also in most of the countries of the South. Their economies were totally geared to meeting the demands of the international banks, thereby compelling them to implement a policy to cut wages and the consumption of basic goods, while they were already experiencing serious shortages. Such measures led to the exclusion and marginalization of large numbers of human beings. However, the exclusion of even a single human being from participation in development was a grave mistake, as participation in a country's life and politics was the cornerstone of a genuine democracy.

60. In the view of his organization, the solution to the external debt problem required the establishment of a new economic order and the creation of a genuine international community. An ethic of development should be defined and applied; such an ethic was the only means of averting the confrontation between the right to development and individual rights and freedoms. In view

of the current international situation and of the cruel war that was casting a pall over the world, it was appropriate to recall, in the words of Pope Paul VI, that development was the new name for peace, a peace that should be born out of solidarity, tolerance and dialogue among human beings.

61. Mr. KHOURI (Union of Arab Jurists) recalled that at the forty-second session of the Sub-Commission, he had drawn attention to the risks of armed conflict that could ensue from a serious economic crisis and heavy external debt in the Arab countries, in conjunction with constantly widening income gaps between the poor and the rich countries. At the time, he had reviewed the situation in the various Arab countries and indicated that, as a result of the territorial division made by Western colonialism, some Arab countries were extremely poor and others extremely rich, and natural resources were in the hands of a small minority of the Arab population.

62. The debt currently amounted to $208 million for the Arab countries as a whole. Some of them had attempted to reschedule their debt and obtain fresh loans. However, they had been unable to provide the guarantees necessary to obtain those loans, and the International Monetary Fund had asked the Governments to increase the pressure on the poor to make further sacrifices. For some Arab countries, the interest on the debt far exceeded their export earnings.

63. In his statement to the forty-second session of the Sub-Commission, he had called upon the United States to renounce the military option in the Gulf crisis so as to allow an Arab solution to be found to the conflict in the Middle East. He also believed that the policy adopted by the leaders of the international banking system constituted a flagrant violation of human rights, and in particular of the International Covenant on Economic, Social and Cultural Rights. That policy not only hampered development, but also deprived the majority of the Arab countries of control over their own resources and thus undermined their national identity.

64. The Union of Arab Jurists considered that the aggression perpetrated by the United States and its Zionist allies against Iraq in particular, and the Arab nation as a whole, was extremely serious. Washington's concern was not to defend international law, but to destroy Iraq's economic, cultural and political infrastructure as well as its territorial integrity. In Security Council resolution 660 of 2 August 1990, the United States had attempted to impose the liberation of Kuwait, and it was the United States that had subsequently hindered an Arab solution to the problems of the Middle East. He asked what had become of economic, social and cultural rights when planes dropped tons of bombs on Iraq and Kuwait. It should be remembered that certain civilian objectives and holy places had been hit and that the war had already caused thousands of deaths. Iraq's very infrastructure, roads, bridges, factories, etc., was also targeted by the bombing thereby demonstrating the desire to achieve its total destruction.

65. The United States and its allies had conducted a frenzied propaganda war and misled world public opinion, thereby violating article 20 of the International Covenant on Civil and Political Rights, which prohibited any propaganda for war. The Security Council had thus renounced its role, which was the maintenance of international peace and security, and bowed down before the interests of the United States.

66. Mr. BRODY (Andean Commission of Jurists) said he wished to address a problem with serious international repercussions and direct impact on the human rights situation, and in particular on economic, social and cultural rights, namely the international trade in illicit drugs, which had become an essential factor in the national economies of the coca-producing countries. In at least three countries in the Andean region, income from the narcotics trade accounted for 30 per cent of exports.

67. That illegal trade respected neither frontiers nor the lawful institutions of constitutional régimes, and affected thousands of peasants who sold or used their labour illegally to grow coca. The three countries most seriously affected by the problem were Bolivia, Colombia and Peru.

68. The international division of labour was currently such that the economies of the countries in the Andean region were essentially based on the exploitation and export of natural resources whose prices were generally set by bodies to which the producers did not belong. For that reason, neither the international community nor individual countries had been able to guarantee producer farmers fair prices or a decent return. Moreover, on account of economic difficulties, it had not been possible in recent decades to formulate development programmes in those regions, which were, moreover, ideally suited for the cultivation of coca. If the endless demand for cocaine in the developed countries was also borne in mind, it was easy to grasp why the cultivation of coca had further expanded in recent years.

69. However, while the narcotics trade represented a source of income for the peasant producers, it was also responsible for violence that affected the same sectors of the population. In view of the huge sums of money involved in the narcotics trade, groups of rebels and paramilitary gangs - frequently with conflicting interests - had associated themselves with drug traffickers in those regions. As a result, corruption had increased and unfortunately permeated all sectors of society and of the State.

70. The narcotics trade also lay at the root of another form of violence, the violence that sprang from the repression directed against the coca producers. Frequently, such repressive measures were carried out at the instigation of particular countries that opted for such a solution, which they considered effective and cheap. However, the laws of the market showed that when there was a demand for certain products, supply would automatically adjust to it, however severe the methods of repression. In addition, if peasants produced coca, it was to earn a living. Thus the victims of that misguided repressive policy were not the major drug traffickers but the peasants who cultivated coca on a small scale.

71. Moreover, neither the peasants nor even the drug traffickers were the main beneficiaries of that trade. It was necessary to investigate the role played by the financial sector in certain industrialized countries, where huge sums from the drug traffic were recycled each year. While advocating campaigns to eradicate and control drugs, those same countries showed no concern for the political, economic and social conditions that weighed the producer countries down.

72. For that reason, in recent years the international community had adopted firm measures - in particular at the Cartagena summit in February 1990 - designed to implement a more coherent policy to solve the problem of drug trafficking. The international community had become aware that responsibilities in that sphere were shared.

73. However, in order to achieve better results, it was necessary to give priority to the first link in the drug chain, i.e. the peasant coca producers. It was above all necessary to improve the marketing of export products from tropical areas in the Andean region. In 1990, the European Economic Community had already taken a step in that direction.

74. In the same connection, it was essential to lighten the external debt burden. The industrialized countries should co-operate in order to put an end to the current situation, so as to allow local producers to keep control over the marketing of their products. It was not a question of charity, but of the political, technical and economic support necessary to improve the return on replacement crops for coca (coffee, cocoa and tea, for example), to process them and sell them on satisfactory terms.

75. Mr. LITTMAN (World Union for Progressive Judaism) expressed his stupefaction at the statement made a few days earlier by the observer for the Syrian Arab Republic. The ideas expressed by that speaker were totally at variance with all the international instruments and contrary to the principles of the United Nations, as set out in the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Syria had itself signed and ratified the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination on 21 April 1969. The declaration by the observer for Syria had been inspired by a book in Arabic, whose English title was "The Mazah of Zion" which she had recommended all the members of the Commission to read, as she considered that it unequivocally demonstrated the historical reality of Zionist racism. He recalled that on the same day, he had also referred to that book to denounce the violently anti-Zionist remarks by the Syrian Minister of Defence which it contained. The mendacious and slanderous accusation made against the Jews sprang from a classical medieval legend that Jews hated mankind and deliberately murdered non-Jews, especially Christians, every year in order to obtain non-Jewish blood for ritual purposes. From medieval times until the Nazi Reich, the Jews had been the victims of similar accusations, although the Christians themselves had also been accused of killing young children and eating them, as was attested by Tertullian. The Damascus affair of 1840, in which the Jews had been accused of having cut open the head of a Christian priest to extract his blood for ritual purposes, was notorious. That affair had been reported in French anti-Semitic works and, in that connection, he deplored the attitude adopted, for 150 years, by the competent French archival authorities, which was dictated by the desire not to admit to the political imbroglio created by certain initiatives taken by France at the time.

76. The same gibberish had also appeared in Hitler's Mein Kampf and in the Nazi press. He asked how the Commission would react if a delegate started quoting Mein Kampf as "an important work that unequivocally demonstrated the historical reality of Zionist racism"? He reminded his Muslim colleagues that the Caliph at the time of the Damascus affair had condemned the slander invented against the Jews as well as the outbursts of violence against them.

77. He asked the members of the Commission to authorize the Chairman to make a declaration condemning that infamous libel alleging the ritual use of human blood, as being in total contradiction with everything for which the Commission stood. If the Commission were to remain silent, it would become an accomplice to that libel.

78. The CHAIRMAN gave the floor to the delegation of the Democratic People's Republic of Korea, which had asked to reply in connection with agenda items 7, 8, 17 and 18.

79. Mr. HUN (Observer for the Democratic People's Republic of Korea) vigorously denied the assertions made on the previous day by the delegation of the United States. Those remarks faithfully reflected the ignorance of the representative of the United States about actual circumstances in Korea. It was a fundamental principle of the Government of the Democratic People's Republic of Korea to guarantee the human rights and freedom and to promote the welfare of its citizens. On the other hand, the country's people disapproved of the way of life of United States society, which was overwhelmed by social problems and ills.

80. He said that his country enjoyed a prosperous and independent economy and an excellent industrial output, which were the fruit of its people's efforts.

81. Furthermore, in a spirit of reconciliation and détente, numerous negotiations and exchanges had been organized the previous year between North and South Korea. He deplored that the United States should attempt to transform the Commission's debates into a confrontation between the countries of the North and the countries of the South, and urged all the Commission's members to remain vigilant so that the United States did not become a virtual international arbitrator within the Commission.

The meeting rose at 12.50 p.m.